

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

JAN 14 2005

ROBERT H. SHEMWEILL, CLERK
BY [Signature] DEPUTY

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

LARRY FREEMAN AND LINDA M. : CIVIL ACTION NO. 6:04cv0961
FREEMAN :
VS. : JUDGE REBECCA DOHERTY
: MAGISTRATE JUDGE MILDRED
NATIONAL TEACHERS ASSOCIATES : METHVIN
LIFE INSURANCE COMPANY :

MOTION FOR SUMMARY JUDGMENT BASED ON PRESCRIPTION

NOW INTO COURT, through undersigned counsel, comes defendant, National Teachers Associates Life Insurance Company ("National"), who respectfully moves this Court to grant its Motion for Summary Judgment, dismissing the entirety of the plaintiffs' claims in this lawsuit. As more fully set forth in the accompanying Memorandum in Support, all of the claims made by plaintiffs Larry and Linda Freeman ("plaintiffs") are prescribed. There is no genuine issue of material fact for trial, and National is entitled to judgment as a matter of law

1.

Attached hereto and made a part hereof as exhibits are:

- Exhibit "A" National Teachers Associates Life Insurance Organ Transplant Insurance Policy issued to Linda Freeman effective November 1, 1998; and
- Exhibit "B" Affidavit of John Ruth; Attached to Exhibit "B" is the following: Exhibit "1" – Plaintiffs' Proof of Loss received by National on September 20, 2002.
- Exhibit "C" Statement of Undisputed Facts

2.

WHEREFORE, defendant, National Teachers Associates Life Insurance Company, prays that its Motion for Summary Judgment be granted, dismissing the entirety of plaintiffs' claims in this lawsuit, with prejudice, at plaintiffs' costs.

By Attorneys,

TAYLOR, PORTER, BROOKS, & PHILLIPS LLP.

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- CERTIFICATE -

I certify that a copy of the foregoing was this day mailed, postage prepaid, to Mr. Lynn A. DeRouen, DeRouen & Wattigny, A.P.L.C., 103 East Main Street, New Iberia, Louisiana, 70506.

Baton Rouge, Louisiana, this 14th day of January, 2005.

Russell L. Mosely
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